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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,727

09/25/2003

Yasushi Mochizuki

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CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE, CA 92618-3731

EXAMINER

AMINI, JAVID A

ART UNIT

PAPER NUMBER

2628

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/672,727	Applicant(s) MOCHIZUKI ET AL.	
	Examiner JAVID A. AMINI	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-45, 47-54, 56-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Arguments

Applicant's arguments with respect to claims 37-45, 47-54, 56-66 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37-45, 47-54, 56-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al., 6,016,362 ("Kato"), and further in view of Fujita et al. 6321024 B1, hereinafter Fujita.

37. An image processing apparatus comprising:

(Kato, e.g. the "maker" of the image sequence specifies how each image in the sequence is to be cut, so that selecting continuous images is obvious, see column 3, lines 2-3, 8-9, 14-16, 23-27, 34-36, 39-42, 46-48, 51-53, 56-58, 65-67; column 4, lines 6-7, 11-12; and explicitly, a "sequence is made ... with a telecine apparatus" in column 4, lines 49-55, so that continuous images must obviously be designated, since they could not otherwise be cut; and "the resulting sequence of images ... is regarded as one with director's approval" in column 4, lines 64-65, so it is clear continuous images are designated);

a trimming area determination unit adapted to determine trimming areas of a first image and a second image from continuous plurality images having a specific order;(Kato, column 6,

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lines 43-53, a rectangular 4:3 area with X_e center, $Film_e_width$, and Film-height is "designated");

a trimming area calculation unit adapted to calculate a trimming area based on the trimming areas of the first image and the second image determined by the trimming area determination unit, with respect to each image of which order is between the first image and the second image among the continuous plural images, (Kato, the paragraph bridging cols. 7-8), Kato does not explicitly specify wherein positions and/or sizes of the trimming area of each image of which order is between the first image and the second image is different from position and/or sizes of the trimming areas of the first image and the second image determined by the trimming area determination unit;

However, Fujita teaches wherein positions and/or sizes of the trimming area of each image of which order is between the first image and the second image is different from position and/or sizes of the trimming areas of the first image and the second image determined by the trimming area determination unit (e.g., in fig. 1 illustrates the first image is 205 and the second image is considered as 207, and the trimming area of 201 is different from position of 205 and 207, also in col. 30 lines 48-54 teaches the video cut automatic extracting operation from the video image is executed only to the video cut desired by the user, the user can directly, automatically, and correctly acquire only a desired video cut (**involving a frame**) from the video images under play at high speed, so that the video images can be edited in a high efficiency);

Since Fujita teaches in col. 2 lines 29-30 that the video cut can form the list of the still images and all stored in 208 (see figure 1) then it would have been obvious to one of ordinary skill in the art to recognize the following step of claimed invention is well known in the art "a

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generating unit adapted to generate continuous images by using images cut out with the trimming area determined by the trimming area determination unit and images cut out with the trimming area calculated by the trimming area calculation unit”, because the cited publication 2003/0214128 hereinafter Roberts discloses in paragraph 0003 a kineograph can consist of images that produces animation see fig. 1.

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Fujita into Kato, in order to achieve what the claimed invention recited.

61. An image processing apparatus according to claim 37, is provided by Kato by a proportional change ratio of 4:3 in column 6, lines 43-67.

For claims 38-45, 47-54, 56-66, see the rejection of claim 37. A start and end frame are clearly obvious in the sequence of Kato.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAVID A. AMINI whose telephone number is (571)272-7654.

The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Javid A Amini
Primary Examiner
Art Unit 2628

/Javid A Amini/
Primary Examiner, Art Unit 2628